

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION AT COLUMBUS

TYRICE HILL,	:	Case No. 2:22-cv-3742
	:	
Plaintiff,	:	
	:	
vs.	:	Judge James L. Graham
	:	Magistrate Judge Caroline H. Gentry
	:	
ANNETTE CHAMBERS-SMITH,	:	
	:	
Defendant.	:	

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ORDER

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Plaintiff, a state prisoner proceeding without the assistance of counsel, has filed a civil rights action in this Court. He initially sought to proceed *in forma pauperis* and without prepaying the filing fees. (Doc. 1, 4). On March 16, 2023, the Undersigned recommended that his application for *in forma pauperis* status be denied under the “three strikes” provision of 28 U.S.C. § 1915(g) and that he be ordered to pay the filing fees. (Report and Recommendation, Doc. 6). Plaintiff thereafter paid the filing fees.

The Report and Recommendation (Doc. 6) is accordingly **WITHDRAWN**. Plaintiff’s application to proceed *in forma pauperis* (Doc. 1, 4) is **DENIED** as moot. The matter shall proceed to an initial screening under 28 U.S.C. § 1915A(a), which is required because Plaintiff is “a prisoner [who] seeks redress from a governmental entity or officer or employee of a governmental entity.” 28 U.S.C. § 1915(A)(a). His complaint must be dismissed if it is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b).

The Undersigned notes that Plaintiff has submitted three complaints in this case. (*See* Complaint, Doc. 1-1; First Amended Complaint, Doc. 5; Second Amended Complaint, Doc. 7). “Generally, at this stage in a prisoner’s civil case, a plaintiff may amend his complaint once as a matter of course. Additional amendments to a complaint require the Court’s permission or the opposing party’s written consent.” *Johnson v. Chambers-Smith*, No. 2:22-cv-4179, 2023 WL 2555446, at \*4 (S.D. Ohio Mar. 17, 2023) (report and recommendation) (citing Fed. R. Civ. P. 15(a)). Whether to allow a second amendment to Plaintiff’s complaint will be considered with the initial screening.

The Undersigned will conduct this initial screening as soon as practicable. The Court will then enter an order and, if appropriate, direct service of the complaint and summons on Defendant(s). The Clerk of Court is **DIRECTED** to hold service until that time. The Court will consider any pending motions after, or along with, the initial screening.

A copy of this Court’s order screening the Complaint will be mailed to Plaintiff. Plaintiff is **ADVISED** that he must keep this Court informed of his current address, and promptly file a Notice of New Address if he is released or transferred.

**IT IS SO ORDERED.**

April 13, 2023

/s/ Caroline H. Gentry  
CAROLINE H. GENTRY  
UNITED STATES MAGISTRATE JUDGE